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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

STEPHEN J. GILL,

Defendant and Appellant.

D053406

(Super. Ct. No. SCE209147)

APPEAL from a judgment of the Superior Court of San Diego County, Frederick Maguire, Judge. Appeal dismissed.

Stephen J. Gill appeals the judgment recommitting him as a mentally disordered offender (MDO) (Pen. Code, §§ 2970, 2972). Citing *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*), *Anders v. California* (1967) 386 U.S. 738 (*Anders*), *Conservatorship of Ben C.* (2007) 40 Cal.4th 529 (*Ben C.*), and *People v. Taylor* (2008) 160 Cal.App.4th 304 (*Taylor*), his appointed counsel asks that we independently review the record to determine whether there are any arguable appellate issues. Pursuant to *Anders*, counsel

lists, as a possible, but not arguable issue, whether Gill's "waiver of his rights and presence at the hearing and his stipulation to extend his commitment made under oath and witnessed by a social worker at the institution after his personal consultation with counsel was properly accepted by the court below?" Gill has filed a supplemental brief, contending he was forced by the threat of jail confinement to waive his right to a jury trial on the extension of his commitment and appointed appellate counsel is ineffective.

In *Ben C.*, the California Supreme Court concluded that *Wende* and *Anders* procedures are not mandated in an appeal of a judgment for a conservatorship of the person under the Lanterman-Petris-Short Act (Welf. & Inst. Code, § 5350 et seq.). In *Taylor*, the Second District Court of Appeal extended *Ben C.* to an MDO case. We have reviewed the brief submitted by Gill's appointed counsel, including the possible issue, and the supplemental brief filed by Gill, including his contentions. We decline to exercise our discretion to review the record for error. Competent counsel has represented Gill in this appeal. We deny Gill's request for substitution of counsel.

DISPOSITION

The appeal is dismissed.

McCONNELL, P. J.

WE CONCUR:

NARES, J.

IRION, J.